

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF EASTERN MASSACHUSETTS

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2004-11-04 P 3:46
DISTRICT OF MASS.

JOSEPH A. KINSELLA, As Administrator,)
et al.,)
Plaintiffs,)
v.)
WYMAN CHARTER CORP., *et al.*,)
Defendants,)
v.)
RORY VANDAMME and)
MARTIN MAHON,)
Third-Party Defendants.)

CIVIL ACTION NO. 04-11615-NMG

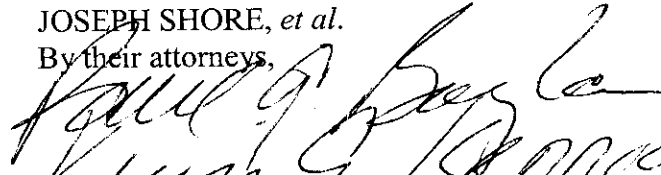
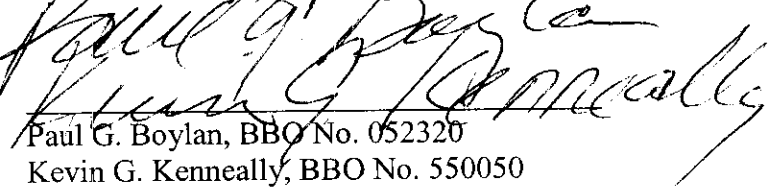
MOTION TO AMEND THIRD-PARTY COMPLAINT
TO ADD THIRD-PARTY PLAINTIFFS

Joseph Shore, Carylyn Shore, Cord Shore, and Toad Hall Corp. (each and together hereinafter "Shore defendants") move pursuant to Federal Rule 15 to amend the Third-Party Complaint to add Carylyn Shore and Toad Hall Corp. as third-party plaintiffs. The proposed Amended Third-Party Complaint is attached. The proposed new third-party plaintiffs will assert the same claims as already asserted against third-party defendants Vandamme and Mahon.

1. No party will be unduly or unfairly prejudiced. The core issue as to the wrongful contribution or not of third-party defendants to the subject fatality will be the same. The added Shore third-party plaintiffs share, with the existing Shore third-party plaintiffs, a direct interest in these claims and in determination as to the causal fault, if any, of all involved persons. The third-party plaintiffs sought to be added are, with other persons, entitled to adjudication as to all relevant causes and fault in one proceeding.

2. A Rule 7.1 conference on November 2, 2004 preceded the filing of this motion.

Defendants,
JOSEPH SHORE, *et al.*
By their attorneys,



Paul G. Boylan, BBO No. 052320
Kevin G. Kenneally, BBO No. 550050
DONOVAN HATEM LLP
Two Seaport Lane
Boston, MA 02210
617-406-4500

Dated: 

Certificate of Service

The undersigned counsel for defendants Shore, *et al.* today gave notice of the **Motion To Amend Third-Party Complaint To Add Third-Party Plaintiffs** by e-mail transmission to the **Clerk, D.Mass.**, and to counsel for plaintiffs **Kinsella, et al.**, Sarah B. Herlihy, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., One Financial Center, Boston, MA 02111, and co-counsel, Andrew V. Buchsbaum, Friedman & James LLP, 132 Nassau Street, New York, NY 10038; counsel for defendant **Wyman Charter Corp.**, Bertram E. Snyder, Looney & Grossman LLP, 101 Arch Street, Boston, MA 02110; counsel for defendant **Michael Wyman, Individually**, Thomas E. Clinton and Robert Collins, Clinton & Muczyka, P.C., One Washington Mall, Suite 1400, Boston, MA 02108; and by first-class mail to defendant **Ian McColgin, pro se**, P.O. Box 1991, Hyannis, MA 02601.

Dated:  

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